

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC. PRODUCTS LIABILITY LITIGATION	MDL No. 2419 Master Dkt. 1:13-md-02419-RWZ
THIS DOCUMENT RELATES TO: <i>Savercool v. Ameridose, LLC, et al.</i> , No. 1:13-cv- 12583 <i>Smith v. Ameridose, LLC, et al.</i> , No. 1:13-cv- 12684	Hon. Rya Zobel Magistrate Judge Jennifer Boal

**PLAINTIFFS' STEERING COMMITTEE'S MOTION FOR CONSOLIDATION OF
BELLWETHER TRIALS**

The Plaintiffs' Steering Committee ("PSC") hereby files this Motion for Consolidation of Bellwether Trials. Through the Court-ordered selection process, the parties have identified two bellwether trial cases among the pool of cases against Special Surgery Center, PLLC: *Savercool v. Ameridose, LLC, et al.*, No. 1:13-cv-12583 ("*Savercool*"), and *Smith v. Ameridose, LLC, et al.*, No. 1:13-cv-12684 ("*Smith*"). For the reasons set forth more fully in the accompanying Memorandum of Law, the PSC respectfully requests that the Court consolidate the trial of the *Savercool* and *Smith* bellwether trial cases.

Dated: March 3, 2017

Respectfully Submitted,

/s/ Benjamin A. Gastel

J. Gerard Stranch, IV
Benjamin A. Gastel
Anthony A. Orlandi
BRANSTETTER, STRANCH &
JENNINGS, PLLC
223 Rosa L. Parks Ave., Suite 200
Nashville, TN 37203
Telephone: 615/254-8801
Facsimile: 615/255-5419
gerards@bsjfirm.com
beng@bsjfirm.com
aorlandi@bsjfirm.com

Plaintiffs' Steering Committee and TN Chair

Thomas M. Sobol
Kristen Johnson Parker
HAGENS BERMAN SOBOL SHAPIRO, LLP
55 Cambridge Parkway, Suite 301
Cambridge, MA 02142
Telephone: 617/482-3700
Facsimile: 617/482-3003
tom@hbsslaw.com
kristenjp@hbsslaw.com

Plaintiffs' Lead Counsel

Elizabeth J. Cabraser
Mark P. Chalos
LIEFF CABRASER, HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111
Telephone: 415/956-1000
Facsimile: 415/956-1008
ecabraser@lchb.com
mchalos@lchb.com

Federal/State Liaison

Marc E. Lipton
LIPTON LAW
18930 W. 10 Mile Road
Southfield, MI 48075
Telephone: 248/557-1688
Facsimile: 248/557-6344
marc@liptonlaw.com

Kimberly A. Dougherty
JANET, JENNER & SUGGS, LLC
31 St. James Avenue, Suite 365
Boston, MA 02116
Telephone: 617/933-1265
kdougherty@myadvocates.com

Mark Zamora
ZAMORA FIRM
6 Concourse Parkway, 22nd Floor
Atlanta, GA 30328
Telephone: 404/451-7781

Facsimile: 404/506-9223
mark@markzamora.com

Patrick T. Fennell (VSB 40393)
CRANDALL & KATT
366 Elm Avenue, S.W.
Roanoke, VA 24016
Telephone: 540/342-2000
Facsimile: 540/400-0616
pfennell@crandalllaw.com
Plaintiffs' Steering Committee

CERTIFICATE OF CONSULTATION PURSUANT TO RULE 7.1

I, Benjamin A. Gastel, hereby certify that prior to the filing of this Motion, the Plaintiffs' Steering Committee attempted to meet and confer in good faith with counsel for the Specialty Surgery Center Defendants. The parties were unable to reach an agreement, thus necessitating this Motion.

/s/ Benjamin A. Gastel
Benjamin A. Gastel

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 3, 2017, a true and exact copy of the foregoing was served upon all counsel of record via the courts electronic mail.

/s/ Benjamin A. Gastel
Benjamin A. Gastel